

PATENT
Customer No. 22,852
New Attorney Docket No. 09095.0005-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
LINK et al.) Group Art Unit: 1624
Serial No.: 09/541,795) Examiner: S. Patel
Filed: March 31, 2000)
For: CELL ADHESION-INHIBITING)
ANTIINFLAMMATORY AND)
IMMUNE-SUPPRESSIVE)
COMPOUNDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.131

I, Dugal S. Sickert, declare:

1. That I was employed by Abbott Laboratories ("Abbott") as a patent attorney from 9/21/98 to 7/20/01.
2. That this declaration is being submitted to establish the prior invention of the subject matter of U.S. Patent No. 6,110,922 ("the '922 patent") before December 29, 1998, the effective filing date of the '922 patent. A true and accurate copy of the '922 patent is attached as Ex. A.
3. That I was the attorney at Abbott responsible for preparing and having filed the application that issued as the '922 patent, and U.S. Provisional Patent

Application No. 60/114,097 ("the '097 application"). A true and accurate copy of the '097 application is attached as Ex. B.

4. That I understand the '922 patent has been used as prior art under 35 U.S.C. § 102(e) against the claims of the above referenced application, Serial No. 09/541,795 ("the '795 application"). And, further, that the '795 application is a continuation-in-part of U.S. Patent Application No. 09/494,517 which claims priority to the '097 application.

5. That I have reviewed a copy of an e-mail dated December 16, 1998, that I sent to JoEllen Hogan and copied to Tom von Geldern with a draft patent application directed to "Cinnamide" attached. A true and accurate copy of that e-mail is attached as Ex. C.

6. That Tom von Geldern was one of the inventors of the draft application, as noted on the bottom of the e-mail. And, further that I informed JoEllen Hogan, Sr. Legal Secretary, in the e-mail that the draft application was "ready for filing" and that "[w]e would like to file a U.S. provisional application and a simultaneous regular U.S. application."

7. That it was the customary practice at Abbott to file identical non-provisional and provisional applications on the same day. That, after reviewing both the '922 patent and the '097 application, they appear to have the same or nearly identical specifications. And, further that they both were assigned the filing date of December 29, 1998 and have the same inventors, i.e., James Link, Gang Liu, Zhonghua Pei, Tom von Geldern, Martin Winn, and Zhili Xin.

9. That I have reviewed the '922 patent and the '097 application, both of which are directed to "Cinnamides," and I can confirm that the application leading to the '922 patent and the '097 application are the same applications referred to in my e-mail dated December 16, 1998.

10. That to the best of my knowledge and belief no further changes were made to the draft application referred to in my e-mail before it was filed as two separate applications on December 29, 1998.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Dated: January 5, 2004

By: 

Dugal S. SICKERT

398437-1

EXHIBIT A

Page 1 only

EXHIBIT B

Pages 1-3 only

Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PROVISIONAL PATENT APPLICATION IN ACCORDANCE WITH

35 U.S.C. 111(b) AND 37 C.F.R. 1.53 (b)(2)

CELL ADHESION-INHIBITING ANTIINFLAMMATORY
AND IMMUNE-SUPPRESSIVE COMPOUNDS

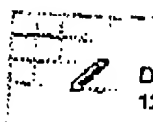
Technical Field

The present invention relates to compounds that are useful for treating inflammatory and immune diseases, to pharmaceutical compositions comprising these compounds, and to methods of inhibiting inflammation or suppressing immune response in a mammal.

Background of The Invention

Inflammation results from a cascade of events that includes vasodilation accompanied by increased vascular permeability and exudation of fluid and plasma proteins. This disruption of vascular integrity precedes or coincides with an infiltration of inflammatory cells. Inflammatory mediators generated at the site of the initial lesion serve to recruit inflammatory cells to the site of injury. These mediators (chemokines such as IL-8, MCP-1, MIP-1, and RANTES, complement fragments and lipid mediators) have chemotactic activity for leukocytes and attract the inflammatory cells to the inflamed lesion. These chemotactic mediators which cause circulating leukocytes to localize at the site of inflammation require the cells to cross the vascular endothelium at a

EXHIBIT C



Dugal S Sickert
12/16/98 10:42 AM

To: JoEllen Hogan/LAKE/CORP/ABBOTT@ABBOTT
cc: Tom W Von Geldern/LAKE/PPRD/ABBOTT@ABBOTT
Subject: case for filing



Cinnamide draft (1

JoEllen,
This case is ready for filing. There is no docket number assigned yet as it originally came without an invention disclosure.

We would like to file a U.S. provisional application and a simultaneous regular U.S. application.

The inventors are:

- ✓ Tom von Geldern (ext. 7-9171)
- ✓ James Link (5-6806)
- ✓ Gang Liu (5-1224)
- ✓ Zhonghua Pei (5-6254)
- ✓ Marty Winn (7-7658) and
- ✓ Zhiyi Xin (5-7307)

Thanks,
Dugal